

**AFFIDAVIT IN SUPPORT OF
APPLICATIONS FOR SEARCH WARRANTS**

I, Ryan S. Burke, depose and state as follows:

AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since October 2012. I am currently assigned to the FBI's New Hampshire Resident Agency where I am tasked with investigating violent criminals and major offenders throughout the state. I primarily work alongside the Manchester Police Department ("MPD") Anti-Crime Unit ("ACU") as part of an initiative focused on reducing gun violence and other crime in the city of Manchester.

2. Throughout my career, I have led and/or been involved with investigations of robberies, kidnappings, murders, fugitives, extortions, threats, drug distribution, illegal possession of firearms, and other crimes. My investigations have included the use of the following investigative techniques: physical surveillance; handling of cooperating sources and witnesses; exploitation of cellular, social media, and Internet Protocol ("IP") based communications data; execution of search and seizure warrants; wire, electronic, and oral wiretaps; and the execution of arrest warrants.

3. Based on my training, experience, and information provided to me by other law enforcement officers, I am familiar with the modus operandi used by individuals engaged in the violation of various criminal offenses, such as those related to acts of violence, firearms, and controlled substances. For example, I have handled many cooperating sources and witnesses who have provided information to me specifically related to shootings, the distribution of controlled substances, and various firearms offenses. I have also reviewed thousands of court-authorized wiretap intercepts between drug traffickers, violators of firearm offenses, individuals conspiring

to commit armed robberies, and individuals engaged in the violation of other offenses. Many of these investigations have resulted in the execution of search warrants, arrest warrants, and eventual convictions.

PURPOSE OF AFFIDAVIT

4. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure (hereafter, "FRCP") for a warrant to search the following premises for Timothy Spaulding (D.O.B.), a "Person to be Arrested" within the meaning of FRCP 41(c)(4):

- a. 569 Blodget Street, Unit 2, Manchester, New Hampshire, (hereafter, "Target Premises").

The Target Premises is a second floor and attic apartment of a white, two-unit residential house and all attached and unattached rooms, basements, and any lockers, safes, or containers large enough to conceal a person; surrounding grounds and common areas/staircases; and vehicles which are present on the curtilage of the property.

5. The facts in this affidavit come from my involvement in a collaborative investigation being handled primarily by the FBI and Manchester Police Department ("MPD"). This affidavit is intended to show there is probable cause for the requested warrant and does not set forth all my knowledge about this matter.

6. Rule 41 of the Rules of Criminal Procedure authorizes "a magistrate judge with authority in the district-or if none is reasonably available, a judge of a state court of record in the district-has authority to issue a warrant to search for and seize a person or property located within the district." No Magistrate Judge in the District of New Hampshire is reasonably available at this time.

OVERVIEW OF INVESTIGATION

7. On June 28, 2021, the Court issued a complaint and authorized a warrant to arrest Timothy Spaulding (hereafter, "Spaulding") and Cecilia Ochoa (hereafter, "Ochoa") for conspiring to distribute and to possess with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(C), in *United States v. Spaulding, et al.*, 21-mj-171. As such, Spaulding is a "Person to be Arrested" within the meaning of FRCP 41(c)(4).

8. On June 28, 2021, the Court authorized warrants to obtain location information for 603-814-0255 (the "0255 number"), an AT&T phone number believed to be used by Spaulding. See *In re the search of a cell-site simulator to locate the cellular devices assigned call numbers 603-814-0255 and 603-814-0250*, 21-mj-181; and *In re the search of cellular devices assigned call numbers 603-814-0255 and 603-814-0250*, 21-mj-183. A review of the subscriber information for the 0255 number listed a user of "TIM EL" and the billing party as Ochoa. Law enforcement seized a cellular telephone assigned the 0255 number out of a vehicle that Spaulding was an occupant of on May 6, 2021. Law enforcement obtained a warrant to examine the contents of the phone and a review of that information shows Spaulding was the user of the device assigned the 0255 number. The investigation revealed that after May 6, 2021 Ochoa obtained a new device with the 0255 number.

9. Records from received from AT&T revealed Spaulding had informed AT&T that the phone assigned the 0255 number was stolen on June 5, 2021. Furthermore, the records provided by AT&T indicate the phone assigned the 0255 number became inactive on June 5, 2021.

10. On July 7, 2021, an administrative subpoena was served on AT&T for any new phone numbers associated with the International Mobile Equipment Identity (hereafter, "IMEI")¹

¹ An IMEI is a number that uniquely identifies a single cellular phone, akin to a serial number.

of the phone assigned the 0255 number. In response, AT&T identified a phone assigned call number 603-289-5415 (the "5415 number"). The 5415 number is a prepaid account subscribed to "TIM THAT GUY" with a credit address of Manchester, NH 03104 — Spaulding's mother's residence. It was activated on the same day the phone assigned the 0255 number was reported stolen. The call records associated with the 5415 number document contacts with phone numbers associated with Ochoa, Spaulding's mother, father, father's girlfriend, and close friends of Spaulding.

11. On July 7, 2021, Ochoa was arrested in Manchester. During post-arrest statements, Ochoa informed investigators she lived with her sister at Manchester, New Hampshire. I asked Ochoa if she knew where Spaulding was and she said she did not know where he was. When asked where she thought he might be, she said he might be staying with either John Akot at an address on Canton Street or with Paul Preda at an address she described. I know Akot to reside at 74 Canton Street, Manchester, New Hampshire. I know Paul Preda to reside at 468 Granite Street, Manchester, New Hampshire, and this is consistent with the address Ochoa described. During the conversation, Ochoa did not mention that she had rented the Target Premises or that she or Spaulding had moved into the Target Residence.

12. Similarly, the day before, on July 6, 2021, law enforcement spoke to Ochoa's stepfather and mother about Spaulding's location. Neither Ochoa's stepfather nor mother told investigators that Ochoa had rented the Target Premises.

13. On July 9, 2021, the Court authorized warrants to obtain location information for the 5415 number. See *In re the search of a cell-site simulator to locate the cellular device assigned call number 603-289-5415*, 21-mj-173; and *In re the search of the cellular telephone assigned call number 603-289-5415*, 21-mj-172. The records provided by AT&T indicate the phone assigned

the 5415 number became inactive on July 10, 2021 at approximately 1:00 am. The location records for the 5415 number include information on the tower and sector used by the 5415 number as well as the estimated distance of the phone from the tower. The Target Premises is in the location identified by these records. This location was identified as recently as July 10, 2021, just before the 5415 number became inactive.

14. On July 9, 2021, Ochoa's attorney spoke to AUSA Anna Krasinski and said that it was his understanding that Spaulding would turn himself in on July 12, 2021. Based on this, I believe Spaulding is aware of the outstanding arrest warrant.

15. On July 12, 2021, a Grand Jury in the District of New Hampshire returned a three-count indictment against Spaulding and Ochoa. Count One charges the two with conspiring to distribute and to possess with intent to distribute controlled substances, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(C). Count Two charges Spaulding with possessing a firearm in furtherance of the drug trafficking crime alleged in Count One, in violation of 18 U.S.C. § 924(c). Count Three charges Ochoa with possessing a firearm in furtherance of the drug trafficking crime alleged in Count One, in violation of 18 U.S.C. § 924(c).

16. After learning of the Target Premises on July 12, 2021, I made contact with the homeowners to ascertain information regarding its tenants. According to the homeowners, Ochoa's stepfather initially contacted them about the possibility of finding a rental for Ochoa and her boyfriend. The homeowners were familiar with Ochoa's stepfather because he rents one of their other properties. Ochoa eventually moved into the Target Premises in June 2021 but by that time the homeowners were told that her boyfriend would no longer be living there. Instead, the homeowners were told that Ochoa's sister would be moving in. The homeowners have since seen the sister seemingly living with the stepfather at their other property, and have not seen Ochoa's

sister living at the Target Premises. The Target Premises remains actively rented by Ochoa and rent has been paid through the end of July 2021.

17. Also on July 12, 2021, law enforcement has been and remains on surveillance at the Target Premises. Throughout the day, law enforcement has observed numerous people go towards and come from the second-story landing where the Target Premises is primarily accessed. Of particular note, a female believed to be Ochoa was observed leaving her stepfather's residence, driving to the Target Premises, and running from her vehicle towards the direction of the Target Premises' door. She was inside for approximately ten minutes before leaving the vicinity of the Target Premises and driving back to her stepfather's residence. Additionally, other associates of Spaulding, including a male believed to be Akot, have been observed entering and/or exiting the Target Premises.

18. Based on the investigation to date, I believe Spaulding is currently inside the Target Premises and that Ochoa, and others, are helping to conceal him from law enforcement. I further request authority to execute the requested warrant at any time day or night. Spaulding appears to be attempting to evade law enforcement, and a delay in executing the warrant could give Spaulding time to flee.

CONCLUSION

19. I submit that this affidavit supports probable cause for a warrant to search the **Target Premises** described in to search for and arrest Timothy Spaulding.

/s/ Ryan S. Burke
Ryan S. Burke, Special Agent
Federal Bureau of Investigation

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. P. 41 and affirmed under oath the contents of this affidavit and application.

Date: 7/12/21

Time: 1008pm

William H. Lyons
The Honorable William H. Lyons
Manchester New Hampshire Circuit Court Judge